

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Khammam District- Revision Petition filed by Sri Mamillapalli Seetaramaiah, R/o Mulkalapalli (V)&(M), Khammam District against the orders of the Agent to Government, Khammam dt.20.6.2002 in CMA No.24 of 2001 of in respect of land measuring Ac.20.00 in Sy.No.60, 63/E/1, 65/A Mulkalapalli (V)&(M), Khammam District- Rejected - Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.MS.No. 9

Dated:31.01.2013
Read the following:

- 1.Revision Petition filed by Sri Mamillapalli Seetaramaiah S/o.Venkaiah, R/o Mulkalapalli (V)&(M), Khammam District, dt.09.07.2002.
- 2.Govt.Memo.No.10056/LTR-2/2002-1, dt.05.08.2002.
- 3.From District Collector, Khammam District, Rc.No.F2/CMA.24/2001, dt.10.05.2007.
- 4.Govt. Lr.No.10056/LTR-2/2002,dt.16.07.07,18.4.12, .06.2012, 19.10.2012.

ORDER:

Sri Mamillapalli Seetaramaiah S/o.Venkaiah R/o Mulkalapalli (V)&(M), Khammam District in the reference 1st read above, has filed the Revision Petition against the order dt.20.6.2002 in CMA No.24 of 2001 of the Agent to Government, Khammam in respect of land measuring Ac.20.00 in Sy.No.60, 63/E/1, 65/A Mulkalapalli (V)&(M), Khammam District. The main grounds of the Revision Petition is as under:

- i) The Petitioner is the owner and possessor of land and purchased the said land under sale deed dt.5.12.1969 from Madiraju Subba Rao, a non-tribal who is the grandfather of 4th respondent (B.Srikanth).

Since 1969 the petitioner has been paying the land revenue to the said land and his name has been entered in pahani patrika continuously till today.

The Petitioner had been issued pattadar passbook and title deeds.

- ii) The recording of occupancy column with a different ink by revenue authorities showing the name of the petitioner as occupier of the land in question ever since the date of his purchase is not going to vitiate anything and the petitioner has no role to play in this regard.
- iii) The petitioner developed the land and invested huge amounts, dug a bore well, made it cultivable and has been raising paddy another crops in the said land, hence eviction from the said land is untenable.

2. In the reference 2nd read above, the Agent to Government (District Collector), Khammam District was requested to furnish parawise remarks and connected records.

3. The Agent to Government (District Collector), Khammam District has furnished parawise remarks and connected records vide reference 3rd read above.

(P.T.O)

4. The Revision Petition has been posted for hearing on 1.05.2012, 10.07.2012 and finally on 29.10.2012 the same has been informed to the Revision Petitioner and the Respondents in the reference 4th read above and requested them to attend the above said hearings. During the hearing on 29.10.2012, the Revision Petitioner/Counsel was present and filed written arguments, the Representatives of the Respondents were also present.

5. Government have examined the records and the orders of the Agent to Government in C.M.A.No.24/2001 dated.20.06.2002 and written Arguments of the Revision Petitioner. On perusal of the records, the brief history of the case is that the Special Deputy Collector(TW), Paloncha initiated a LTR case No.16/96/MKP on the report of the Special Deputy Tahsildar(TW), Paloncha in respect of Sy.No.60, 63/E/1 and 65/A to an extent of Ac.4.20 gts, Ac.2.14 gts, and Ac.13.16 gts respectively, which are located at Mulkalapalli (V)&(M), as the transfer of land was made in between Non-Tribals in contravention of Sub-Sec.(1) of Sec.3 as laid in APSALT R 1/59 r/w 1/70. After observing the provisions under LTR the Special Deputy Collector(TW), Paloncha passed orders for ejectment of the Respondent or who ever in possession of the suit scheduled land as it was proved that the transfer of the land in question belongs to non-tribal was made to another Non-tribal, in LTR case No.16/96/MKP, dt.11-4-1997. Further the Special Deputy Collector(TW) directed the MRO, Mulkalapalli to take over the possession of the land in question under cover of panchanama in to the Government custody and assign the same to the eligible Tribals as per rules in force.

6. Aggrieved by the orders of the Lower Court, the Revision Petitioner preferred an appeal along with an I.A. for condonation of delay of 111 days from 11-6-97 to 22-9-1997 and also stay petition, before the Agent to Government, Khammam. Meanwhile, the Revision Petitioner filed a Writ Petition before the Hon'ble High Court and the Hon'ble High Court passed orders on 4-11-97 in W.P.No.24842/97 with a direction to dispose off the Stay petition within one month from the date of the order and further ordered that in the meanwhile, there shall be status quo with regard to the possession of the schedule land. Accordingly the Agent to Government ordered for stay till 31-1-1998. The delay was condoned by the Agent to Government, Khammam on 02-7-2001 and the main appeal has been registered as CMA 24/2001. In order to ascertain the correct picture of the possession of the land under dispute, the Revenue Records from the MRO concerned has been obtained for the crucial period and the Lower Court Case record have also been obtained from the concerned. Upon perusal of the Records and evidences placed before, the appellate Court held that the Agent to Government, Khammam has seen no reason to interfere with the orders passed by Special Deputy Collector(TW), Palvoncha on 11-4-97 in LTR case No.16/96/MKP and accordingly dismissed the appeal on 20-6-2002. Hence the Revision Petition before the Government.

7. In the Revision Petition/Written Arguments the Revision Petitioner has contended the same contents which were filed before the lower courts and no fresh grounds are adduced by the Revision Petitioner except denying the orders of the Agent to Government, Khammam District. On perusal of the documentary evidences, it appears that the sale agreement produced by the Revision Petitioner is not an authenticated one, since it is unregistered, the land revenue receipts are of the years after Land Transfer Regulation and the genuinity of the pahanies is also doubtful.

8. Government after careful examination of the facts and with reference to the material papers of the case, hereby order to uphold the orders of the Agent to Government (District Collector), Khammam District in C.M.A.No. 24/2001 for restoration of the Petition Scheduled land to Government for onward allotment to the eligible Tribes and Rejected the Revision Petition filed by Sri Mamillapalli Seetaramaiah S/o.Venkaiah R/o Mulkalapalli (V)&(M), Khammam District.

..3..

9. The Collector, Khammam District/Additional Agent to Government, Khammam District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To:

The Collector & Agent to Govt., Khammam District.

The Additional Agent to Government & Project Officer, ITDA

Bhadrachalam, Khammam.(with RPAD of the following records.

(Case file CMA No.24/2001 containing 98 pages of CF and 06 pages of NF).

The Special Deputy Collector (TW), Khammam District.

Sri Mamillapalli Seetharamaiah, S/o.Venkaiah, R/o.Mulakalapalli Village and Mandal, Khammam District.

The G.P for Social Welfare, High Court of A.P., Hyderabad.

The P.S to M (TW) for information/the P.S to Principal Secretary to Government (TW) SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER